

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

**FILED**

AUG 30 2018

Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

CR 18-11-BU-DWM

Plaintiff,

vs.

ORDER

RUBEN LOPEZ-URIAS,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 10, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

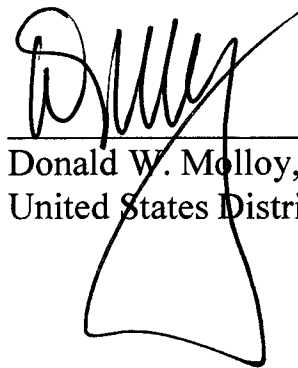
Judge Lynch recommended this Court accept Ruben Lopez-Urias’ guilty plea after Lopez-Urias appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to one count of illegal reentry of deported alien in violation of 8 U.S.C. § 1326(a), as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 23), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Ruben Lopez-Urias' motion to change plea (Doc. 15) is GRANTED, and Ruben Lopez-Urias is adjudged guilty as charged in the Indictment.

DATED this 30<sup>th</sup> day of August, 2018.

A handwritten signature in black ink, appearing to read "D. Molloy", is written over a horizontal line. Below the line, the text "Donald W. Molloy, District Judge" and "United States District Court" is printed. A large, loopy flourish extends from the bottom of the signature.